

multimedia message has a header portion and a body portion, where the **media characteristics of the multimedia message** are inserted into a field in the header portion of the multimedia message, as claimed.

As described in the patent application, paragraph 1, the present invention relates to the field of the media adaptation (transcoding) of such a multimedia message, where such multimedia messages form part of Multimedia Messaging Service (MMS), and Session Initiation Protocol (SIP), as standard ways to send messages that include multimedia content to and from mobile phones, which extended the core SMS (Short Message Service) capability which only allowed exchange of text messages up to 160 characters in length.

As described in the patent application, paragraphs 2-5, in the prior art a multimedia message being sent from a sending terminal to a receiving terminal may contain one or more media components, e.g., a JPEG image; and the messaging server had to open and analyze each media component of the multimedia message in view of the capabilities of the receiving terminal. See also the patent application, paragraph bridging pages 9-10. The decision to transcode multimedia messages based at least partly on inserted **media characteristics of the multimedia message** eliminates the need for the messaging server to open and analyze each media component of the multimedia message in view of the capabilities of the receiving terminal.

The independent claims are rejected under 35 U.S.C. 103(a) as being obvious over a prior art combination of Mukherjee (US 7,133,925) in view of Maes (US 6,970,935).

In particular, independent claim 12 recites a limitation stating: a messaging server comprising a processor configured to "obtain **media characteristics of a**

**multimedia message** that are inserted into the multimedia message intended for a receiving terminal." The reasoning in the office action cites the primary reference, Mukherjee, column 3, lines 42-52, for disclosing this limitation in claim 12. However, Mukherjee, column 3, lines 42-52, discloses a system of delivery of encoded scalable media data having a media source that provides scalable encoded media data in a format including first and second portions, where the first portion corresponds to non-media type specific scalability attributes of original encoded media data and data structure information of the second portion, and where the second portion corresponds to the original scalable encoded media data arranged in a non-media type specific indexable data structure having at least one dimension.

In Mukherjee, the non-media type specific scalability attributes corresponding to the first portion and the non-media type specific indexable data structure corresponding to the second portion are not the **media characteristics of the multimedia message**, as claimed. In other words, the type specific scalability attributes corresponding to the first portion and the type specific indexable data structure corresponding to the second portion relate to non-media, not media characteristics, as claimed.

Further, independent claim 12 also recites a limitation stating: a messaging server comprising a processor configured to "decide whether the multimedia message should be transcoded based only on comparing **the media characteristics of the multimedia message** with actual or assumed multimedia capabilities of the receiving terminal." The reasoning cites Mukherjee, column 3, lines 56-62, for disclosing this limitation in claim 12. However, Mukherjee, column 3, lines 56-62, discloses a system of delivery of encoded scalable media data having a transcoder that transcodes a formatted original scalable encoded media data prior to

delivery to a media destination to generate a scaled encoded media data, based on matching the non-media type specific scalability attributes and using the data structure information. In Mukherjee, the matching relates to non-media type specific scalability attributes, but does not relate to **media characteristics of the multimedia message**, as claimed.

The other independent claims contain limitations similar to these two limitations in independent claim 12.

For these reasons, it is respectfully submitted that Mukherjee does not disclose, teach or suggest these limitations for which it is being cited in the reasoning in the office action.

The secondary reference, Maes, is not cited for, and does not make up for, this fundamental deficiency in relation to Mukherjee.

For all these reasons, it is respectfully submitted that the proposed prior art combination does not disclose, teach or suggest the claimed embodiment.

The remaining claims depend from and contain all the limitations of the independent claims, and are deemed patentable over the cited prior art for all the same reasons.

Reconsideration and early allowance are earnestly requested.

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WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468-0224

Respectfully submitted,

/William J. BARBER/

William J. Barber  
Agent for the Applicant  
Registration No. 32,720

tel: (203) 261-1234  
Cust. No.: 004955